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CAUSE NO. 03-217-CCL

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3 LONDON LEON GROFF) IN THE COUNTY COURT
4 vs.)
5 GENERAL MOTORS CORPORATION) AT LAW
6 AND CAVENDER BOERNE ACQUISITION)
7 OF TEXAS, LTD, D/B/A CAVENDER)
8 CHEVROLET)
9 / KENDALL COUNTY, TEXAS

8

9 The video-taped deposition of KIM EWING, a
10 witness in the above-entitled matter, taken before me, Laura
11 T. Krystopowicz (CSR-5882), a Notary Public, at The Dearborn
12 Inn, 20301 Oakwood Boulevard, Dearborn, Michigan, on Friday,
13 August 20, 2004, commencing at or about 9:07 a.m.

14

15 APPEARANCES:

16 Wigington Rumley, LLP
17 BY: JEFFREY G. WIGINGTON
18 800 North Shoreline
19 14th Floor - South Tower
20 Corpus Christi, Texas 78401

21 Appearing on behalf of Plaintiff

22 Hartline, Dacus, Barger, Dreyer & Kern, LLP
23 BY: SEAN R. FITZGIBBONS
24 6688 North Central Expressway
25 Suite 1000
26 Dallas, Texas 75206

27 Appearing on behalf of Defendants

28 VIDEO TECHNICIAN:
29 James Walker, Reitman Video Specialists
30 (248) 344-4271

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Exhibit B

1 10 to 14%. So, yes, there were a number of ejections
2 and General Motors was indeed looking at ways to
3 improve our door locks and looking at alternative
4 glazing materials to help mitigate occupant ejections.
5 We were indeed studying that.

6 (Discovery Exhibit No. 33
7 marked for identification.)

8 Q (BY MR. WIGINGTON): In fact, in Discovery Exhibit 33,
9 the president of General Motors responds to the federal
10 government and it says, "We will continue to
11 aggressively pursue solutions to a number of the
12 complex issues you raise. Automotive design for safety
13 is and always has been a priority at General Motors",
14 correct?

15 A Very true. Yes, that's correct.

16 Q Once again, a clear expression of your -- the
17 philosophy of the company?

18 A Yes.

19 (Discovery Exhibit No. 34
20 marked for identification.)

21 Q (BY MR. WIGINGTON): Let me show you what's been marked
22 as Discovery Exhibit 34. Can you tell me what that
23 document is?

24 A This is a laboratory test outline for test L16878 dated
25 September 14th, '83.

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1 Q And what's going on there? What kind of test is
2 occurring?

3 A This is the -- for the development of the 1987, which
4 became the 1988 C/K truck. And it's a roof crush, roof
5 crusher test that was so-called invented by an engineer
6 at the time. His name was Ivars Arums.

7 MR. FITZGIBBONS: Jeff, if we're going to get
8 into another area, could we take a break at some point
9 and grab some lunch? It's 12:30 right now.

10 MR. WIGINGTON: This is all I've got left.

11 MR. FITZGIBBONS: Okay.

12 MR. WIGINGTON: In this area.

13 Q (BY MR. WIGINGTON): That was a test that was
14 recognized as a reliable test by General Motors?

15 A I wouldn't say it was recognized. It was Ivars who was
16 charged to look at ways to understand how occupant
17 ejections occurred through side glazing. So, he
18 invented this 38 crusher test. He actually proposed
19 various angles. But for some reason, this 38 degrees,
20 which is really 52 degrees if you think of it as the 25
21 degrees in the 216 test, but he thought of this test as
22 a way to put a side load on the side of the cab
23 structure and determine what level of body and roof
24 deformation would cause the glazing to fracture and,
25 therefore, creating an exit portal for an occupant.

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1 Q And it was a test utilized by General Motors?

2 A It was a test utilized only by this '87 C/K truck
3 program for the specific purpose of looking at occupant
4 ejection mitigation.

5 Q And the top page of this document it says, "Roof crush
6 C/K cab", and then it lists a protocol?

7 A Yes, it does.

8 (Discovery Exhibit No. 35
9 marked for identification.)

10 Q (BY MR. WIGINGTON): Let me show you the next document,
11 which is Discovery Exhibit 35. What is that?

12 A This is a laboratory test outline for test L17279 dated
13 November 28th, 1983 also done as part of the 1987 C/K
14 truck development program.

15 (Discovery Exhibit No. 36
16 marked for identification.)

17 Q (BY MR. WIGINGTON): Let me show you Discovery Exhibit
18 36. A document dated 4/25/86 titled, "Government
19 letter", and it discussed a 1985 Buick Riviera two-door
20 coupe vehicle failed to meet the specified roof crush
21 load of 5,000 pounds within five inches of the test
22 device; do you see that?

23 A Yes, I see that. And there was also a response by G.M.
24 to that letter from the government.

25 Q All right. It's a serious situation if the vehicle is
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